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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,450

01/29/2004

Thomas Enne Hjort

A2000-700319

3938

37462 7590 07/02/2007

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EXAMINER

RUTLAND WALLIS, MICHAEL

ART UNIT

PAPER NUMBER

2836

MAIL DATE

DELIVERY MODE

07/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/767,450	HJORT, THOMAS ENNE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Rutland-Wallis	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-19 and 22-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 and 31-41 is/are allowed.
- 6) ☒ Claim(s) 3 and 22 is/are rejected.
- 7) ☒ Claim(s) 4-11 and 23-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/10/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed 5/10/2007, with respect to the rejections of claims 3 and 22 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 3 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Welches et al. (U.S. Pub. No. 2004/0084965)

With respect to claim 3 Welches teaches a system for providing power to a load (Fig. 5), the system comprising: a first input to receive AC power from a first AC power source (see AC Line connected to switch item 220); a second input to receive AC power from a second AC power source (see item 100); a third input to receive DC power from a first DC power source (item 400); an output that provides output AC power to the load

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(see output labeled load); converter circuitry (see items 300 and 500), coupled to the first, second and third inputs and the output, and controllable (via power transfer switch item 200) to select from the first AC power source (AC Line), the second AC power source (item 100) and the first DC power source (item 400) to provide input power and derive the output AC power from the input power; a first bypass device (item 800) coupled to the first input (AC Line) and the output and controllable to operate in a bypass mode (switch closed) to couple the first input to the output to provide AC power from the first AC power source directly to the output, bypassing the converter circuitry; and a second bypass device (item 900) coupled to the second input and the output and controllable to operate in a bypass mode (switch closed) to couple the second input to the output to provide AC power from the second AC power source directly to the output, bypassing the converter circuitry.

With respect to claim 22 Welches teaches a system for providing power to a load (Fig. 5), the system comprising: a first input to receive AC power from a first AC power source (see AC Line connected to switch item 220); a second input to receive AC power from a second AC power source (see item 100); a third input to receive DC power from a first DC power source (item 400); an output (see output labeled load) that provides output AC power to the load; converter means (see items 300 and 500) for selecting (via transfer switch item 200) from the first AC power source, the second AC power source and the first DC power as a source for input power and deriving the output AC power from the input power; and bypass means (see switching means 700, 800 and 900) for selectively providing AC power from the first AC power source directly to the

output, bypassing the converter means; wherein the bypass means include means for selectively providing AC power from the second AC power source directly to the output, bypassing the converter means.

***Allowable Subject Matter***

Claims 12-19, and 31-42 are allowed. The following is an examiner's statement of reasons for allowance:

With respect to claim 12-19 Welches teaches the device of claims 12 and 15 however does not teach in a first power source transition mode, the converter circuitry is adapted to detect an input AC voltage waveform period of the first AC power source and to control the controllable switches such that the converter circuitry draws current from the first AC power source during a positive portion of the waveform period and the converter circuitry draws current from the first DC power source during a negative portion of the waveform period for multiple waveform periods. At least this further limitation to claims 12 and 15 is not taught or rendered obvious by the prior art or record.

With respect to claim 31-42 Welches teaches the device and method to provide power to a load, however do not teach during a first transition period, input current is drawn by the converter means alternately from the first AC power source and the first DC power source. At least this further limitation to claim 31 and 38 is not taught or rendered obvious by the prior art or record.

Claims 4-11, and 23-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: Welches teaches the device of claim 3 however does not teach in a first power source transition mode, the converter circuitry is adapted to detect an input AC voltage waveform period of the first AC power source and to control the controllable switches such that the converter circuitry draws current from the first AC power source during a first portion of the waveform period and the converter circuitry draws current from the first DC power source during a second portion of the waveform period for multiple waveform periods. At least this further limitation to claim 4 and 23 is not taught or rendered obvious by the prior art or record.

### ***Conclusion***

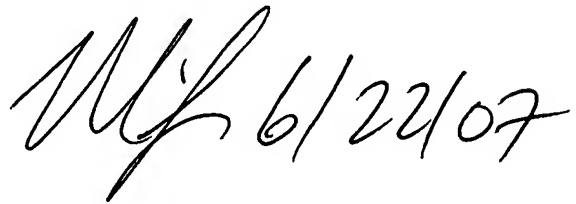
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW

A handwritten signature in black ink, appearing to read 'MS 6/22/07', is written over the printed name and title of Michael Sherry.

MICHAEL SHERRY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800